

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

U.S. DISTRICT COURT
SAVANNAH DIV.
2012 NOV 19 PM 2:41

LOIS MERCER,

Plaintiff,

v.

WALMART,

Defendant.

CLERK
SO. DIST. OF GA.

CASE NO. CV412-223


O R D E R

Before the Court is Plaintiff Lois Mercer's Motion for Reconsideration. (Doc. 8.) In the motion, Plaintiff contends that she filed a "motion on appeal" on August 30, 2012, but did not get a letter¹ from the Eichholz Law Firm until November 3, 2012. (Id. at 2.) The Court finds these statements as curious for several reasons. First, Plaintiff has always appeared in this case without the assistance of counsel, what the Court refers to as pro se. So, it is unclear why Plaintiff would be receiving letters from the Eichholz Law Firm that concern this matter. Second, this case was filed on August 30, 2012, making Plaintiff's claim of a motion on appeal confusing. The Court can only assume that Plaintiff is referring to her complaint, not any request for appeal.

¹ No letter was included with Plaintiff's motion.

Lastly, Plaintiff requests that the Court direct the Commissioner of the Social Security Administration to either grant her disability benefits or "redetermine them." (Id. at 3.) However, Plaintiff's complaint named Walmart as the defendant in this case. (Doc. 1 at 2-3.) While Plaintiff's complaint did request that the Court "releif [sic] my social security disability income" (id. at 5), the Magistrate Judge explained in his Report and Recommendation that she cannot seek an award of social security benefits from this Court without showing that she first sought them from the Commissioner, but was ultimately denied (Doc. 5 at 2). In addition, Plaintiff must first exhaust all available appeals within the administrative framework of the Social Security Administration before she is permitted to seek review of the Commissioner's decision in this Court. Because after carefully reviewing Petitioner's motion, the Court can find no reason to disturb its prior order. Accordingly, Petitioner's motion must be **DENIED**.

SO ORDERED this 19th day of November 2012.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA